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STATUTORY INSTRUMENTS

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**1996 No. 334**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants for Education Support  
and Training) (Wales) Regulations 1996**

<i>Made</i>	- - - -	<i>16th February 1996</i>
<i>Laid before Parliament</i>		<i>23rd February 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984(1), the Secretary of State for Wales hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Grants for Education Support and Training) (Wales) Regulations 1996 and shall come into force on 1st April 1996.

(2) These Regulations apply in relation to local education authorities in Wales.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“determine” means determine by notice in writing;

“education authority” means a local education authority in Wales;

“grant” means a grant in pursuance of these Regulations;

“leisure time facilities” means facilities of a kind which education authorities are under the duty imposed by sections 41(3)(b) and 53(1) of the Education Act 1944(2) to secure are provided within their areas;

“maintained school” means a school maintained by an education authority;

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(1) 1984 c. 11; section 1 is amended by section 278 of the Education Act 1993 (c. 35).

(2) 1944 c. 31; section 41 was substituted by section 11 of the Further and Higher Education Act 1992 (c. 13); and section 53(1) was amended by Part I of Schedule 1 to the Education (Miscellaneous Provisions) Act 1948 (c. 40), Schedule 7 to the Education Act 1980 (c. 20), and paragraph 54 of Schedule 12 to the Education Reform Act 1988.

“member of the Inspectorate” has the meaning assigned to it by section 204(2) of the Education Act 1993;

“mentor” means an experienced head teacher giving advice and assistance to support the professional development of an inexperienced head teacher;

“named person” means a person whom the education authority are satisfied is able (having regard to any criteria set out in the Code of Practice issued by the Secretary of State under section 157 of the Education Act 1993(3)) to provide accurate information and sound advice to a parent about his child’s special educational needs, and is agreeable to being named as a person from whom the parent may seek such information and advice when the education authority serve a copy of the child’s statement of special educational needs on the parent pursuant to paragraph 6 of Schedule 10 to the said 1993 Act;

“NC tasks” has the meaning assigned to it in the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1995(4) and the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1995(5);

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“pupil” and “school” have the meanings assigned to them by section 114 of the Education Act 1944(6);

“qualified teacher” means a person who, by virtue of the regulations(7) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(8), is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;

“registered inspector” has the meaning assigned to that term by section 18(1) of the Education (Schools) Act 1992(9);

“special school” has the meaning assigned to it by section 182(1) of the Education Act 1993;

“special educational needs” has the meaning assigned to it by section 156(1) of the Education Act 1993;

“standard task assessment” has the meaning assigned to it by regulation 5 of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1995(10);

“youth and community worker” means a person employed in connection with leisure-time facilities, other than in a solely administrative, secretarial, clerical or manual capacity.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

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(3) See ISBN 0 85522 444 4, paragraphs 4.70 to 4.73.

(4) S.I. 1995/2208.

(5) S.I. 1995/2209.

(6) The definition of “pupil” in section 114 was inserted by paragraph 13(2)(d) of the Further and Higher Education Act 1992, and the definition of “school” was inserted by paragraph 13(2)(e) of Schedule 8 to the Further and Higher Education Act 1992.

(7) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 5 1994/222 and 1995/602 and section 14(2) of the Education Act 1994 (c. 30).

(8) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992, sections 290 and 291 of, and paragraph 136 of Schedule 19 to, the Education Act 1993, and by section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Education Act 1994.

(9) 1992 c. 38.

(10) S.I. 1995/2207.

### **Expenditure in respect of which grants are payable**

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

### **Grants in respect of payments to third parties**

4. Where—

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

### **Rate of Grant**

5. Grants in respect of approved expenditure incurred on or after 1st April 1996 shall be payable at the rate of 60 per cent of such expenditure.

### **Conditions for payment of grant**

6.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1996 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraphs (2), (4), (5) and (6) are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;
- (c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in any year is submitted under paragraph (1) above, such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until a statement has been submitted in accordance with paragraph (5)(a).

(5) Each education authority which has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31 July in the following financial year or as soon as practicable after that date—

- (a) submit to the Secretary of State a statement which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service

in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act 1982<sup>(11)</sup> certifying that in his opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority in the period beginning on 1st August in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the previous financial year but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of the Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

#### **Requirements to be complied with**

9. Any education authority to whom a payment of grant has been made shall, if so required by the Secretary of State, furnish him with such further information as may be required to enable him to verify that any grant paid has been properly paid under these Regulations.

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

11.—(1) The Secretary of State may require any education authority to whom a payment of grant in respect of items 1 to 5, 9 to 11 and 14 to 16 in the Schedule is made to delegate decisions about the spending of—

(a) such grant, and

(b) the amount allocated by the authority to meet the prescribed expenditure approved in accordance with regulation 3,

to the governing body of a maintained school.

(2) The Secretary of State may determine to withdraw or, after consulting the education authority, vary requirements determined in pursuance of this regulation.

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(11) 1982 c. 32; subsection (5) of section 13 was amended by section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

## **Revocation and transitional provisions**

**12.** The Education (Grants for Education Support and Training) (Wales) Regulations 1995(12) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State from making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1996 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

## SCHEDULE

Regulations 2 and 3

## PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The provision of—
    - (a) support and training for the implementation and administration of schemes for financing county schools, voluntary schools and special schools maintained by local education authorities made under section 33 of the Education Reform Act 1988<sup>(13)</sup>;
    - (b) training in management and leadership skills of teachers and those employed in schools as secretaries, bursars and in other administration capacities;
    - (c) training of head teachers as mentors;
    - (d) support and training for school governors in management and leadership skills;
    - (e) support, training, books and equipment to assist schools with the implementation of the National Curriculum;
    - (f) support, training, books and equipment with a view to raising standards of attainment of pupils in the subjects of mathematics, English, science, Welsh, technology, physical education, history, geography, art, music, modern foreign languages and religious education;
    - (g) support, training, books and equipment with a view to raising standards of attainment of pupils in General Certificate of Education Advanced Level and Advanced Supplementary Examinations;
    - (h) information technology and telecommunications equipment, programmes and data, and training in the use of such equipment, programmes and data to enhance teaching and learning in all curriculum subjects;
    - (i) training for school governors and persons employed in schools in the skills required to enable them to set targets, improve development plans and to set objectives for enhanced school performance in all the subjects of the curriculum, and to address any weaknesses identified in a report of an inspection carried out by a member of the Inspectorate or a registered inspector.
  - (a) (a) The implementation in schools in Wales of the arrangements for assessing pupils in relation to National Curriculum attainment targets under Chapter I of Part I of the Education Reform Act 1988.
  - (b) The provision of additional staff to assist schools for the period during which teachers are administering and marking—
    - (i) NC tasks in respect of the second and third key stages in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1995 and the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1995; and
    - (ii) standard task assessments and further assessments in respect of the first key stage in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) Order 1995.
3. Support for schemes to improve the teaching of literacy and numeracy in primary schools.
  4. The training, further training and professional development of teachers with a view, in particular, to raising standards in the core subjects of the National Curriculum.

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<sup>(13)</sup> 1988 c. 40; section 33 was amended by section 12(5) of the Further and Higher Education Act 1992.

5. The training of teachers to teach, through the medium of Welsh, subjects required to be taught under the National Curriculum.

6. The training of teachers of, and other staff with responsibility for, children with special educational needs employed in maintained schools in Wales.

7. Support and training for governors of maintained schools in Wales and for those employed in such schools as teachers and in other capacities, in developing policies for pupils with special educational needs.

8. Support for education authorities in identifying named persons.

9. Support for qualified teachers who are newly qualified.

10. The training of persons granted a licence or authorisation to teach by the Secretary of State under regulations for the time being in force under section 218(3)(14) of the Education Reform Act 1988 to enable them to become qualified teachers.

11. Support for schools in Wales which are preparing for the introduction of vocational courses leading to General National Vocational Qualifications, including the provision of training, books and equipment.

12. Action to improve rates of attendance in schools in Wales and to improve provision for pupils whose behaviour poses difficulties for such schools.

13. The training of persons employed as youth and community workers.

14. Training for teachers with responsibility for child protection in schools in Wales.

15. Training for careers teachers, and training for other teachers in the provision of careers advice and guidance in schools in Wales.

16. Training for teachers with responsibility for providing health and sex education in schools in Wales, particularly related to the misuse of drugs.

17. The improvement of the planning and co-ordination of educational provision in Wales for children aged under five.

18. Projects in Wales to encourage the integration of pupils with special educational needs into schools that are not special schools.

19. Projects to improve levels of literacy of families in Wales by encouraging parents to assist their children with learning to read and write.

20. Training for teachers and other persons employed to work in schools in Wales with children under the age of five.

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(14) Section 218(3) was amended by section 14(3) of the Education Act 1994.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

16th February 1996

*William Hague*  
Secretary of State for Wales

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply only in Wales, supersede the Education (Grants for Education Support and Training) (Wales) Regulations 1995, which are revoked.

Regulation 11 is new. It gives the Secretary of State power to require local education authorities to delegate decisions about the spending of grant to the governing body of a maintained school.

The purposes for, or in connection with which, grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and items 1(e) (f) (g) and (i) 3, 4, 8 and 16 have been added.